

REMARKS

Claims 1-40 and 47-52 are currently pending in the subject application, and are presently under consideration. Claims 1-8, 12-16, 21-28, 32-36, 38, and 41-46 are rejected. Claims 9-11, 17-20, 29-31, 37, 39, and 40 have been indicated as allowable. Claims 1, 2, 4, 5, 14, 18, 21, 24, 25, 33, and 38 have been amended. Claims 41-46 have been cancelled. New claims 47-52 have been added. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I. Objection to the Specification

The Specification has been objected to because of informalities. Specifically, the term, "the system, the system" in paragraph [0050] is improper because it is repetitive. Accordingly, paragraph [0050] has been amended to correct the informalities. Additionally, paragraphs [0022] and [0049] have also been amended to correct typographical errors. Withdrawal of the objection to the Specification is respectfully requested.

II. Objection to Claims 1, 2, 4, 5, 14, 18, 22, 24, 25, 33, and 38 Under 35 U.S.C. §112, Second Paragraph

Claims 1, 2, 4, 5, 14, 18, 22, 24, 25, 33, and 38 have been objected to because of informalities. Accordingly, the above cited claims have been amended to correct the informalities, as suggested by the Examiner, with the exception of claim 22. It is respectfully submitted that claim 22 contains no informalities, as there is correct antecedent basis for the phrase "the bandwidth manager." Claim 21 introduces a bandwidth manager, and thus provides the correct antecedent basis for the phrase "the bandwidth manager" as it appears in claim 22. Withdrawal of the objection to claims 1, 2, 4, 5, 14, 18, 22, 24, 25, 33, and 38 is respectfully requested.

III. Rejection of Claim 38 Under 35 U.S.C. §112, Second Paragraph

Claim 38 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 38 stands rejected for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. Particularly, the variable UserSubscribedBandwidth_{Individual} has no definition in claim 38. Accordingly, claim 38 has been amended to add the definition of the variable UserSubscribedBandwidth_{Individual}. Withdrawal of the rejection of claim 38 is respectfully requested.

Furthermore, the Examiner has stated that claim 38 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph to include all of the limitations of the base claim and any intervening claims. Because claim 38 has been amended to overcome the above rejection, claim 38 should now be in a condition for allowance.

IV. Rejection of Claims 1-8, 12-16, 21-28, 32-36, and 41-46 Under 35 U.S.C. §103(a)

Claims 1-8, 12-16, 21-28, 32-36, and 41-46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,570,355 to Dail, et al. ("Dail") in view of U.S. Publication No. 2002/0009058 to Kelly, et al. ("Kelly"). Claims 1 and 21 have been amended. Claims 41-46 have been cancelled. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 1 and 21 have been amended to recite that releasing uplink bandwidth previously allocated to one or more of the user terminals is based on a projected release time associated with completing transmission of data in a buffer of the one or more user terminals. Dail teaches that bandwidth is released upon a call departure, and that parameters associated with affected regions of bandwidth are updated in response to the call departure (Dail, col. 22, ll. 34-37). Kelly teaches a system for auto-commissioning a two-way satellite network and for configuring a user terminal without employing a separate terrestrial link (Kelly, Abstract). Neither Dail nor Kelly, individually or in combination, teach or suggest that uplink bandwidth previously allocated to

one or more of the user terminals is released based on a projected release time associated with completing transmission of data in a buffer of the one or more user terminals, as recited in claims 1 and 21. Withdrawal of the rejection of claims 1 and 21, as well as claims 2-20 and 47-49 which depend from claim 1 and claims 22-40 which depend from claim 21, is respectfully requested.

V. Rejection of Claims 41 and 44 Under 35 U.S.C. §103(a)

Claims 41 and 44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dail in view of Kelly as applied to claims 1 and 21 above, further in view of U.S. Patent No. 5,982,761 to Dutta. Claims 41 and 44 have been cancelled, thus rendering the rejection of claims 41 and 44 moot.

VI. Allowable Subject Matter

Claims 9-11, 17-20, 29-31, 37, 39, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, claims 9-11, 17-20, 29-31, 37, 39, and 40 all depend, directly or indirectly, from amended claims 1 and 21. As described above, claims 1 and 21 are allowable over the cited art. Accordingly, dependent claims 9-11, 17-20, 29-31, 37, 39, and 40 are also allowable over the cited art. Withdrawal of the objection to claims 9-11, 17-20, 29-31, 37, 39, and 40 is respectfully requested.

VII. New Claims

New claims 47-52 have been added. Consideration and allowance of new claims 47-52 are respectfully requested for at least the following reasons.

New claim 47 depends from amended claim 1 and recites that assigning initial bandwidth allocations for the one or more user terminals comprises assigning an initial bandwidth that is a portion of the fair share of the bandwidth for the one or more user terminals. None of the cited

art teaches or suggests new claim 47. Accordingly, consideration and allowance of new claim 47 are respectfully requested.

New claim 48 depends from amended claim 1 and recites calculating the projected release time by the one or more user terminals based on both an amount of the data in the buffer of the one or more user terminals and a lag time provided by a bandwidth manager. None of the cited art teaches or suggests new claim 48. Accordingly, consideration and allowance of new claim 48 are respectfully requested.

New claim 49 depends from new claim 48 and recites recalculating the projected release time in response to a change in the amount of the data in the buffer of the one or more user terminals. None of the cited art teaches or suggests new claim 49. Accordingly, consideration and allowance of new claim 49 are respectfully requested.

New claim 50 is substantially similar to claim 1, previous to the above described amendment, and further recites transmitting a request from a first terminal of the user terminals to reduce allocated bandwidth of the first terminal from a first bandwidth to a second bandwidth based on the data to be transmitted over the satellite communication system and a lag time provided by the bandwidth manager. The additional claim element to new claim 50 is substantially similar to the claim elements of claims 9 and 10 regarding transmission of a request to the bandwidth manager to reduce allocated bandwidth. As claims 9 and 10 are allowable over the cited art, new claim 50 should also be allowable over the cited art. Accordingly, consideration and allowance of new claim 50, as well as new claims 51 and 52 which depend therefrom, are respectfully requested.

New claims 51 and 52 depend from new claim 50 and are substantially similar to claims 9 and 10, respectively, in that they each define the recited first and second bandwidths. Specifically, new claim 51 recites that the first bandwidth comprises bandwidth at the first terminal's fair share and the second bandwidth comprises a minimal communication rate, and new claim 52 recites that the first bandwidth comprises a minimal communication rate and the second bandwidth comprises no allocated bandwidth. Consideration and allowance of new claims 51 and 52 are respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date

5/18/05

Christopher P. Harris

Christopher P. Harris

Registration No. 43,660

CUSTOMER No.: 26,294

TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.

526 SUPERIOR AVENUE, SUITE 1111

CLEVELAND, OHIO 44114-1400

Phone: (216) 621-2234

Fax: (216) 621-4072